

CLEARFIELD CITY COUNCIL MEETING MINUTES  
6:00 P.M. WORK SESSION  
February 24, 2015

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Keri Benson	Councilmember
	Kent Bush	Councilmember
	Ron Jones	Councilmember
	Mike LeBaron	Councilmember
	Bruce Young	Councilmember
STAFF PRESENT:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager
	Brian Brower	City Attorney
	Greg Krusi	Police Chief
	Scott Hodge	Public Works Director
	Scott Hess	Development Services Manager
	Kim Dabb	Operations Manager
	Eric Howes	Community Services Director
	Curtis Dickson	Community Services Deputy Dir.
	Rich Knapp	Administrative Services Director
	Terrence Jackson	IT Manager
	Jessica Hardy	Accountant
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Merri Ann Perkins – Davis Community Learning Center, Debbie Comstock – Davis Community Learning Center, Kathryn Murray

Mayor Shepherd called the meeting to order at 6:03 p.m.

DISCUSSION ON A PROPOSED ZONING TEXT AMENDMENT TO TITLE 11,  
CHAPTERS 3, 11B, AND 13 – LIMITED DISTRIBUTION AND LIGHT MANUFACTURING

Scott Hess, Development Services Manager, explained the Zoning Text Amendment was the result of a land use application received by staff which couldn't be facilitated because the City hadn't identified a particular use. The application was for a light manufacturing/distribution use for a parcel of property which was zoned Commercial. He pointed out the request would have probably worked in that specific area but could become problematic for future similar requests specific to other areas within the City. He continued the City ultimately rezoned the parcel from Commercial to Manufacturing, with specific direction from the Planning Commission and City Council to consider other options which wouldn't carve out other unique uses within the Commercial Zone. He stated staff believed it would be more appropriate to implement land use controls which would limit any negative aspects within the Commercial, C-2, Zone and require such to be a Conditional Use rather than creating a new zone. He explained the proposed

recommendation would allow the City authority to mitigate any detrimental impacts associated with the proposed new use.

He stated two definitions had been created (Limited Distribution and Light Manufacturing) and reviewed each with the Council. He mentioned the maximum allowed 30,000 square feet per building in each of the definitions had been a discussion point. He believed the limitation was appropriate. He emphasized the use would require a Conditional Use Permit and reviewed the limiting provisions with the Council. He identified the transportation corridors in which the use would be prohibited due to frontage or visibility and emphasized the light/limited use would not be allowed on multiple parcels. He pointed out the Planning Commission had weighed in on the location of the corridors and the structure size during its meeting.

Councilmember LeBaron suggested language should be included to reflect “not more than 30,000 square feet in size” when referencing size.

Councilmember Young requested clarification specific to the multiple parcels language. Mr. Hess responded the proposed changes wouldn't prohibit anyone from purchasing two single parcels and constructing individual buildings on each parcel.

DISCUSSION ON A PROPOSED GENERAL PLAN AMENDMENT FOR A PORTION OF THE PROPERTY LOCATED AT 938 SOUTH 2000 EAST FROM MIXED-USE TO RESIDENTIAL AND A PROPOSED REZONE FOR A PORTION OF THE PROPERTY FROM C-2, COMMERCIAL, TO R-2, MULTI-FAMILY RESIDENTIAL

Scott Hess, Development Services Manager, explained the Rosenberg property was being represented by John Hansen and stated its current General Plan designation was Mixed Use. He reported a rezone application was received requesting Residential R-2 and reported a single residential use was not permitted through the General Plan designation of Mixed Use. He explained the General Plan Amendment was to change the future land use for the western 5.517 acres from Mixed-Use to Residential based upon identified specific conditions and then rezoning the western 5.517 acres from Commercial to Residential R-2. Mr. Hess reviewed the two conditions based on the discussion and findings located in his staff report. He emphasized the amendment separated commercial from residential allowing the residential component to be developed first without being tied to the market conditions of the Commercial Zone.

Mr. Hess informed the Council that staff had received a draft Development Agreement which had been reviewed internally addressing the number of residential units and the size and location of the commercial structures. He indicated the residential component would be twin homes with two commercial structures on the front totaling 11,000 to 12,000 square feet separating the two developments from a timing perspective.

Councilmember Young expressed concern regarding how the possible rezoning for the residential component could impact future development for the entire area and whether that would be best for the City long term. Mr. Hess responded the property would be difficult to develop because of the grade perspective; however, he expressed his opinion the twin homes would be a great buffer between the types of uses. Mayor Shepherd reiterated the property was

difficult to develop given its topography and believed the residential component at the rear and keeping the frontage for commercial was a good solution.

Councilmember LeBaron expressed concern regarding water runoff from the commercial component. Mr. Hess explained there was a regional detention basin immediately west of the Pinnacle Apartment development and indicated staff and the City Engineer would be addressing that with the engineering for the LNR parking lot expansion and the Rosenberg property. He added the City's regional detention basin was currently being used for storm water collection.

Kim Dabb, Operations Manager, arrived at 6:17 p.m.

Mr. Hess emphasized Great Basin Engineering would be responsible for completing the engineering for both the parking lot extension and the proposed town home development.

Councilmember LeBaron suggested forfeiting two twin home lots for the designation of storm water retention to avoid discharge into the City's retention basin. He expressed concern that the City could potentially be held liable for contaminants in its detention basin even if the contaminants were discharged to the basin from one of the other adjacent developments.

Brian Brower, City Attorney, believed there was language in the ordinance which required storm water to be retained on site. Mr. Hess added Scott Nelson, City Engineer, had inquired about the storm water collection during his review of the preliminary subdivision plat and explained the major storm water outflow line in University Park Boulevard was owned by Hill Air Force Base (HAFB) and they were limiting the amount of water entering that line. He added Mr. Hansen hadn't formally contracted/paid for civil engineering for the project as of yet. He continued the City could rezone the property with a stipulation that the development look similar to that represented in the preliminary site plan currently submitted and subject to requirements in the development agreement. Mr. Brower added the Council could request additional language addressing storm water be included in the development agreement. Mr. Hess also mentioned the probability a future road accessing 900 East could be compromised if the City required a detention basin.

#### DISCUSSION ON CDBG AMENDMENTS TO THE ONE YEAR ACTION PLANS FOR 2013/2014 AND 2014/2015

Scott Hess, Development Services Manager, explained the 2014/2015 CDBG designated funds for the Youth Resource Center and reported none of that had been used. He also explained funds from 2013/2014 designated for the Youth Resource Center, Davis Community Learning Center and CDBG Administration had not been completely used. He stated staff was recommending the unused \$15,827.47 be included in the 400 West infrastructure project.

Mayor Shepherd requested staff determine if the additional funds could be contributed to the Family Connection Center or Davis Community Learning because the City hadn't been able to contribute as much as anticipated due to the amount of CDBG funds it received.

Councilmember Bush inquired if any of the funds could be directed toward the demolition of the Youth Resource Center. Mr. Hess stated it would be difficult to justify the benefit to low income residents for that purpose. Scott Hodge, Public Works Director, believed it would currently be better to allocate the funds toward the infrastructure project in order to meet the necessary timeline associated with the distribution requirements. Mr. Hess clarified he would complete a comparison to determine if the funds could be allocated toward the public services component prior to rolling the funds into the infrastructure project and then present the findings to the Council during a future meeting. Mayor Shepherd and the Council expressed satisfaction in waiting for Mr. Hess' analysis.

#### DISCUSSION ON AMENDMENTS TO THE FISCAL YEAR 2015 BUDGET

Rich Knapp, Administrative Services Director, reminded the Council the budget had been amended in December 2014 and stated since that time it had become necessary to make further amendments. He distributed a handout and reviewed the identified items with the Council.

Mr. Knapp stated primary storage, backup, connectivity and server replacement for IT and expenses for neighborhood meetings would be funded by the use of unrestricted fund balance in the General Fund. He also stated the Spillman Module software for the North Davis Fire District would be funded using restricted fund balance of the City's E911 reserves. He explained the amendment to water costs was neutral but that the City was required to recognize its use of City water in the budget.

Mr. Knapp explained other items identified the reallocation of funds for carpet replacement in the police department due to flooding during the winter. He stated those expenditures would be funded by the General Fund and reallocated monies set aside for a future roof repair. He explained it was also necessary to reallocate funds from the roof project toward the UPS bypass switch and capacitor replacements. A discussion took place relative to the carpet replacement. Adam Lenhard, City Manager, explained how the maintenance fund had been established and stated the funds could be used toward the carpet replacement due to flooding.

Mr. Knapp also pointed out the SR 193 landscaping expense would be funded using revenue the City had received from UDOT and reminded the Council the City was managing the project for West Point and Syracuse cities.

#### DISCUSSION ON THE CLEARFIELD FOUNDATION FOR ARTS, PARKS AND RECREATION (NON-PROFIT CORPORATION)

Eric Howes, Community Services Director, informed the Council that staff was following guidelines in place by Utah Non-Profits Association to establish the Clearfield Foundation for Arts, Parks, and Recreation. He reported on the following:

- Select and Registered official name with the State.
- Articles of Incorporation had been completed and forwarded to the IRS.
- City had received its Identification Number from the IRS.
- Board of Directors had its first meeting and had reviewed and approved By-laws.
- Established the Board.

Mr. Howes informed the Council of the Foundation still needed to submit two forms to the IRS answering questions that the organization would not benefit a private interest and that the organization would not attempt to influence legislation. He stated once those were completed they would be submitted with the By-laws then the City would be waiting anywhere from 3-9 months to receive approval. He briefly reviewed the remaining steps needing to be completed after that time.

Brian Brower, City Attorney, expressed his optimism regarding the process and the City receiving approval to proceed with the Foundation. He explained the need for the Council to adopt a resolution expressing its support for the Foundation and authorizing certain members of staff to provide services or work on behalf of the Foundation while at work.

**Councilmember Bush moved to adjourn the work session and reconvene in a City Council policy session at 6:48 p.m., seconded by Councilmember Benson. All voting AYE.**

The work session reconvened at 8:25 p.m.

**Councilmember Young moved to adjourn to a Closed Session at 8:26 p.m. for the purpose of a strategy session to discuss pending or reasonably imminent litigation (Utah Code Ann. § 52-4-205), seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron, and Young. Voting NO – None.**

*The minutes for the closed session are kept in a separate location.*

**APPROVED AND ADOPTED  
This 14<sup>th</sup> day of April, 2015**

**/s/Mark R. Shepherd, Mayor**

**ATTEST:**

**/s/Nancy R. Dean, City Recorder**

I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, February 24, 2015.

**/s/Nancy R. Dean, City Recorder**